

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1026**

Introduced by Bruning, 3

Read first time January 6, 2000

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
- 2 amend section 60-4,110, Reissue Revised Statutes of
- 3 Nebraska; to change penalty provisions relating to motor
- 4 vehicle impoundment; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-4,110, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-4,110. (1) Every motor vehicle, regardless of the  
4 registered owner of the motor vehicle, being operated by a person  
5 whose operator's license has been suspended, revoked, or impounded  
6 pursuant to ~~a conviction or convictions for violation of~~ section  
7 60-6,196, 60-6,197, 60-6,205, 60-6,206, 60-6,211.01, or 60-6,211.02  
8 or by an order of any court or an administrative order of the  
9 director is hereby declared a public nuisance. The motor vehicle  
10 ~~may~~ shall be seized upon the arrest of the operator of the motor  
11 vehicle and impounded at the expense of the owner of the motor  
12 vehicle. ~~If such operator's license is suspended, revoked, or~~  
13 ~~impounded pursuant to section 60-6,196, 60-6,197, 60-6,205,~~  
14 ~~60-6,206, 60-6,211.01, or 60-6,211.02~~ For a first impoundment under  
15 this section, the motor vehicle shall be impounded for not less  
16 than ten days nor more than thirty days. For a second impoundment  
17 under this section, the motor vehicle shall be impounded for thirty  
18 days. For a third or subsequent impoundment under this section,  
19 the motor vehicle shall be impounded for sixty days. No motor  
20 vehicle impounded under this section shall be impounded for a  
21 period of time exceeding ~~thirty days~~ that authorized by this  
22 subsection, except as provided in subsection (3) of this section.

23           (2) Any motor vehicle impounded shall be released:

24           (a) To the holder of a bona fide lien on the motor  
25 vehicle executed prior to such impoundment when possession of the  
26 motor vehicle is requested as provided by law by such lienholder  
27 for purposes of foreclosing and satisfying his or her lien on the  
28 motor vehicle;

1           (b) To the titled owner of the motor vehicle when the  
2 titled owner is a lessor. Upon learning the address or telephone  
3 number of the rental or leasing company which owns the motor  
4 vehicle, the impounding law enforcement agency shall immediately  
5 contact the company and inform it that the motor vehicle is  
6 available for the company to take possession; or

7           (c) To the registered owner, a registered co-owner, or a  
8 spouse of the owner upon good cause shown by an affidavit or  
9 otherwise to the court before which the complaint is pending  
10 against the operator that the impounded motor vehicle is essential  
11 to the livelihood of the owner, co-owner, or spouse or the  
12 dependents of such owner, co-owner, or spouse.

13           (3) Any person who, at the direction of a peace officer,  
14 tows and stores a motor vehicle pursuant to this section shall have  
15 a lien upon such motor vehicle while in his or her possession for  
16 reasonable towing and storage charges and shall have a right to  
17 retain such motor vehicle until such charges are paid.

18           (4) If the registered owner of a motor vehicle was not  
19 the operator of the motor vehicle whose actions caused the motor  
20 vehicle to be impounded, the registered owner of the motor vehicle  
21 may recover civilly from the operator of the motor vehicle all  
22 expenses incurred by reason of the impoundment. In the case of a  
23 criminal action, the court may order such operator of the motor  
24 vehicle to pay restitution to the registered owner in an amount  
25 equal to any expenses incurred with respect to impoundment.

26           (5) If a motor vehicle impounded under this section is  
27 not claimed, it shall be deemed abandoned and disposition made  
28 pursuant to sections 60-1901 to 60-1911.

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1	Sec. 2.	Original	section	60-4,110,	Reissue	Revised
2	Statutes of Nebraska, is repealed.					